

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-24 are pending in this application. No claims are amended in this paper.

II. REJECTIONS UNDER 35 U.S.C. §102(e) and 103(a)

Claims 1-6, 11-16, 21, and 23 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,842,733 to Gao, et al. (hereinafter, merely "Gao").

Claims 7-10 and 22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gao in view of Official Notice.

III. ALLOWABLE SUBJECT MATTER

Claims 17-20 are allowed.

IV. RESPONSE TO REJECTIONS

Applicants respectfully submit that Gao is not prior art.

Gao is a U.S. Patent filed on February 12, 2001 and patented on January 11, 2005, which is a provisional application No. 60/233,044 filed on September 15, 2000.

This Application was filed on March 29, 2002, which is a PCT Application PCT/JP01/06593 filed on July 31, 2001, claiming a priority to Japanese Patent Application 2000-238894 filed on August 2, 2000.

Gao's filing date (provisional application) of September 15, 2000 and patent date of January 11, 2005 are after this Application's Priority date of August 2, 2000. Gao's patent date of January 11, 2005 is also after this Application's filing date of March 29, 2002.

Therefore, Gao is not prior art. Each of the above rejection relied on Gao is invalid. Accordingly, claims 1-16 and 21-24 are patentable.

CONCLUSION


In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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